



**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL,  
THE COUNCIL SITTING AS THE REDEVELOPMENT AGENCY BOARD**

**WEDNESDAY SEPTEMBER 22, 2004**

The regular meeting of the City Council, also sitting as the Redevelopment Agency and the, was called to order by Mayor/Chairman Stettler in the Council Chambers at 68-700 Avenida Lalo Guerrero, Cathedral City, California, on September 22, 2004 at 3:03 p.m.

**ROLL CALL:**

Let the record note that the Downtown Foundation Board has a meeting scheduled for later in the day and the Roll Call was taken for that meeting at this time.

Present: Council Member/RDA Board Member/DTF Board Members  
DeRosa, England, Mayor/RDA/DTF Chairman Stettler

Absent: Council Member/RDA Board Member/DTF Board Member Marchand,  
Mayor Pro Tem/RDA Board Member/DTF Board Member Pettis

Council Member England moved to excuse Council Member/RDA/DTF Board Member Marchand and Mayor Pro Tem/RDA/DTF Board Member Pettis, motion seconded by Council Member DeRosa, motion carried 3-0.

Mayor Stettler advised that Council Member Marchand was tied up in court, and that Mayor Pro Tem Pettis was in Texas at a League Meeting.

The following Police Employees, introduced by Chief Henry were sworn in by the City Clerk, and welcomed by the members of the City Council.

Mark David Wasserkurk – Reserve Police Data Officer  
Ronald Vance Rojas – Reserve Police Officer  
Molly Lynn Heffernan – Police Officer

The Regular meeting began at 6:33 p.m. and was opened by Mayor Stettler. Let the record note that Council Member/RDA/DTF Board Member Marchand was present for the Evening Session of Council. Council Member Marchand led the Invocation, followed by the Flag Salute led by Council Member England.

**CLOSE SESSION AGENDA:**

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION  
pursuant to Government Code Section 54956.9, Subd. (b)  
Number of Potential Cases: 1
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government

Code Section 54957.6

Agency Negotiator: Donald Bradley, City Manager

Represented Employees: 1) Cathedral City Firefighters Association (CCFFA); 2) Cathedral City Police Officers' Association (CCPOA); and 3) Cathedral City Public Safety Management Association (CCPSMA);

3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):  
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.  
Case No.: United States District Court, Central District of California  
Case No. EDCV 02-965
4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):  
Case Name: Scott Sharpe, Mark Fields, Rudy Salinas, Jay Horn, Karl Murashima, Owen Krings, Brian Hirzel, Albert Ruiz, Steve Williams, Paul Reindel, Glenn Haas, Nick Chapman, Gabriel Mendoza, Kelly Nava, Danny Anes, Dane Dickson, Mark Novy, Larry San Filipino, Jeremy Herrick, Ernie Vasquez, Tom Ferguson, Jon Enos, John Fox, Andy Diaz, Albert Ochoa, Dewayne Hodge vs. City of Cathedral City, a municipal corporation; Stan Henry, Chief of Police; Captain John Holcomb, Captain Kevin Conner and Lieutenant Al Reshaw in their individual capacity, and DOES 1 through 10, Inclusive  
Case No.: United States District Court, Central District of California  
Case No. CV 04 02931 (VBKx)[Class Action] Complaint for Damages and Injunctive Relief Demand for Jury Trial
5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 **(Warren Bradshaw)**  
Property Location: 32-949 Rancho Vista Drive  
Negotiating Parties: Redevelopment Agency & Peter Zarenejad  
Property Owners: Redevelopment Agency  
Under Negotiation: Disposition of Property/Acquisition
6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 **(Paul Shillcock)**  
Property Location: 68307 East Palm Canyon Drive – Heilig Meyers Building  
Negotiating Parties: Redevelopment Agency and Development Management Group, Brittany West and Resort Destinations Group

Property Owners: Redevelopment Agency  
Under Negotiation: Disposition of Property

7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Paul Shillcock**)  
Property Location: East of Van Fleet Avenue, South of East Palm Canyon Drive; APN #'s 687-207-005 (Sousa) and 687-223-016 (Sanchez)  
Negotiating Parties: Redevelopment Agency and BCN Developments, Inc.  
Property Owners: Martin Sousa, et al; Jorge & Maria Sanchez  
Under Negotiation: Disposition of Property
8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Keith Scott**)  
Property Location: South of East Palm Canyon Drive, West of the Perez Road extension, East of Canyon Plaza  
APN #'s 687-030-010 and 074  
Negotiating Parties: Redevelopment Agency and Desert Hills Mobile Home Park  
Property Owner: Desert Hills Mobile Home Park  
Under Negotiation: Disposition of property
9. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**James Cleary**)  
Property Location: Whitewater Neighborhood: 680-393-001; 680-404-001-006,008; 680-393-008; 680-393-007; 680-394-004; 680-405-002 (**Moreno Road, Ocotillo Road, Via De Anza and Ortega Road**)  
Negotiating Parties: Redevelopment Agency & Property Owners  
Property Owners: Donald & Byers, Lillian Dempsey; Robert Jacobs; Ernest & Hamby, Patricia Pearson; Peter Zarenejad; Jose Torres; Helen Gallucci; Jesus Razura  
Under Negotiation: Property Acquisition
10. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Paul Shillcock**)  
Property Location: East of the East Cathedral Canyon Storm Channel in Designated Open Space Area. APN #686-310-006; 686-232-034; 686-270-004; and 687-241-056  
Negotiating Parties: Redevelopment Agency and Desert Cove Golf Resorts  
Property Owners: City of Cathedral City and Cathedral City  
Redevelopment Agency  
Under Negotiation: Disposition of Property

**CLOSED SESSION ANNOUNCEMENTS:**

Deputy City Attorney Green advised there were no reportable actions out of the Closed Session for the Council/RDA meeting.

**PUBLIC COMMENTS**

Mayor Stettler opened the floor to Public Comments:

Bill Cohen – Cathedral City. Mr. Cohen made a plea for volunteers for the Citizens On Patrol (COP) and advised that he needed to sell more T-Shirts. He complimented Fred Bell of the PAC at Cathedral City Chamber of Commerce, for the fine moderating he did at the Candidate's Forum at Landau School on Tuesday evening.

Richard Watts – Cathedral City – Mr. Watts is a member of the Lion's Breakfast Club in Cathedral City, and he wanted to tell us about their fundraisers for National White Cane day. One of the Lion's mottos is "Give the Gift of Sight", and they get eye glasses, eye exams, for those who can't afford them. Wal-Mart and Sam's are helping them sponsor this year, and Mayor Stettler is the Honorary Chair.

Chuck Vasquez – Cathedral City. Mr. Vasquez is the Co-Chair of the 35<sup>th</sup> Avenue Neighborhood Watch. Mr. Vasquez spoke about the Safe Routes to Schools and Victoria Avenue. He asked that we check on the two street lights in front of Nellie Kaufmann School, advising they were out. Also the intersection at Plumley and 35<sup>th</sup>, Rancho Mirage has secured the street sign. Mr. Vasquez advised he has spoken with the Deputy City Attorney and was advised that he could come here in Public Comments and ask for an amendment to the Minutes of the Council Meeting on the 8<sup>th</sup> of September. Mr. Vasquez commented that on Item #11, his comments were included, however Council Member Marchand's were not. When the minutes are corrected he would like to have copy sent to him.

Greg Wetmore – Rancho Mirage. Mr. Wetmore is the CEO/President of the Cathedral City Chamber of Commerce. Mr. Wetmore told about the Chambers Big Buy Bonanza to be held on October 5<sup>th</sup> at the Doral from 4 pm to 8 pm. Also the Chamber Breakfast on October 6<sup>th</sup>, will host a Candidates Forum. One additional forum will be held on October 26<sup>th</sup> at the Senior Center, everybody is welcome. He reminded us of the All Valley Chamber Legislative Lunch on this coming Friday the 25<sup>th</sup> at the Esmerelda in Indian Wells, they are expecting over 400 people. He then introduced the new student representatives from the CC High School, Melisa Torres and Stephanie Price. Mayor Stettler welcomed the students and told them he looked forward to their return our next meeting to report on the happenings at their High School.

Cindy Samu – A former Probationary Fire Fighter involved in a wrongful termination lawsuit, Ms. Samu gave a handout to Council and Staff. She advised that she was going to put information out on a web site to inform the public about what has happened to her. She expressed unhappiness that our Finance Department has contacted her to discuss court costs with regard to a law suit she lost.

Robert Marchand – Cathedral City. Mr. Marchand is the Chair of the Public Arts Commission. Mr. Marchand said that a little over 300 years ago, a noted author William Congreve, said something about music that we have all heard at one time or another: "Music hath charms to sooth a savage beast, to soften rocks, or bend a knotted oak", and Mr. Marchand was here tonight to invite everyone to a concert that will be held on

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Thursday night on September 30<sup>th</sup>, 7:00 p.m. The concert is free and there are flyers in the back of the room giving more information.

Bill Proctor – Cathedral City. Mr. Proctor asked the Council “what is happening out front (with regard to construction), and what is being done at Date Palm and Hi-way 111 with regard to the old Shell Station, which he thinks looks like a garbage pit?

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

**AGENDA FINALIZATION:**

There were no changes to the Agenda.

**COUNCIL COMMENTS:**

Mayor Stettler advised that Lois & Tim Kelley had lost their son in an auto accident, and our hearts and prayers were with them. (Lois is a City employee.) Mayor Stettler attended the Rio Vista Elementary dedication this morning, and was quite impressed when almost 500 students came into the Auditorium. Mayor Stettler wanted to thank the CC Chamber of Commerce for the forums that are scheduled for the candidates, there was one last night at Landau school, if you were unable to attend, please try and attend one of the other two. Mayor Stettler also had a letter from Senator Nell Soto about SB1087 “Safe Routes to School”, Mayor Stettler advised that we had been very successful with this Senate Bill and have been able to obtain several grants.

Council Member DeRosa - Welcomed the new Students Reps. from CC High School. Council Member DeRosa mentioned a ground breaking at the North West corner of Vista Chino and Landau on September 27<sup>th</sup>, there will be an Open House at the Desert Princess Resort in the Vista Room. The YMCA is having a Hoe Down on November 5<sup>th</sup>. CVMAC is hosting their Heritage Awards and the Council Woman had the honor of nominated Evelyn Valencia from Working Wonders in Cathedral City. Working Wonders deals with women and children living with HIV. “I too attended the opening of the new Rio Vista School this morning, and it was quite a pleasure to see 497 students come thru the door singing ‘*Make New Friends and Keep the Old*’, an old favorite Girl Scout song. Their new principal is Cheryl James”.

Council Member Marchand advised he had missed the afternoon portion of the meeting due to the fact that he was a witness in a trial in the Court in Indio. Some months before he had been a victim of a robbery, as were some of his neighbors. Evidence against this perpetrator was overwhelming and he offered Kudos to the CC Police Dept. and the half dozen officers involved. This perpetrator was brought to justice and will probably spend the rest of his life in prison. Thank you Chief for a job well done.

**MINUTES**

Mayor Stettler called for the approval/correction of the minutes from the regularly scheduled City Council/RDA Board meeting held on September 8<sup>th</sup>, 2004, further

advising that he had given some corrections to the Clerk earlier in the day. Council Member DeRosa had a number of corrections, which were noted by the Clerk, also reminding that Mr. Vasquez asked for correction to item #11. Council Member DeRosa then moved to accept the Minutes as corrected, motion seconded by Council Member England. Motion passed 3-1 with Council Member Marchand voting in the negative and asking that his no vote be explained in the current minutes, that he didn't know the scope of the corrections asked for by Mr. Vasquez. The corrected minutes will be returned to the Council at the next meeting for their approval.

### **PRESENTATIONS AND PROCLAMATIONS**

Council Member Marchand read and presented a Proclamation declaring the week of October 3<sup>rd</sup> through October 9<sup>th</sup> as Fire Prevention Week in Cathedral City to Fire Battalion Chief Mike Hatfield. Chief Hatfield told the audience that their Annual Open House would be October 9<sup>th</sup> from 8-11 a.m. with a Pancake Breakfast. and their charity of choice this year is the American Cancer Society. The City has a Code Enforcement Officer who is seven months pregnant and has been diagnosed with Breast Cancer. He reminded everyone that when you set your clocks back you should change the batteries in the smoke detectors.

Council Member England read and presented a Proclamation celebrating KWCY 40<sup>th</sup> Anniversary to Radio Announcer Pete Forkione who thanked everyone on behalf of the station.

### **CONSENT AGENDA**

Council Member/RDA Board Member Marchand moved approval of the Consent Agenda, motion seconded by Council Member/RDA Board Member England, motion carried 4-0.

1. Received and filed demands in the aggregate amount of \$5,348,776 for the month of August, 2004 **by Minute Order 3766 and Minute Order R-1003.**
2. Authorization to enter into a promissory note, in the amount of \$3,700,847 by the Cathedral City Redevelopment Agency in favor of the City of Cathedral City **by Minute Order 3767.**
3. Adoption of proposed resolution of the City of Cathedral City, approving an amendment to Article 7 subsection 7.1 of the Cathedral City Human Resources Policy providing for payment of supplemental salary and health benefits allowance to full-time employees called to active military duty for a period not to exceed six-months in a fiscal year **by Resolution No. 2004-91**

### **PUBLIC HEARINGS**

4. Approve Tentative Tract Map No. 32614: A request to subdivide 83.4 gross acres into 408 residential lots and three common lots located north of Rio Verona Road, east of the Morongo Creek Stormwater Channel, and west of Rio Guadalupe

Road within the Rio Vista Village Specific Plan, Specific Plan No. 97-55

A brief report was made by Julie Baumer, Deputy City Manager advised that this Tentative Tract Map had been approved before but had expired, advising that Gary Werner from World Development was in the audience and could answer questions..

Public Comments were opened and closed without comment.

Council Member England wanted to let the everyone know who the new developer is, Ms. Baumer responded "originally the developer was Burnett and now he has sold the property to Rio Vista Land Company who has partnered with World Development to continue this development. Mr. England wanted to know if we had a start date and a completion date. Mr. Werner of World Development went into a lengthy discussion of what some of the problems are, and how they are being addressed, with explanations about the water meters and the booster station, and Mr. England speculated that it might take 2-3 years to complete. Mr. Werner advised that there will be a 3.5 million gallon water tank on the other side of the freeway, and there was further discussion about the aesthetics of this project, which is being done by Coachella Valley Water District.

Public Comments were opened and closed without comment.

Council Member DeRosa moved for approval of the Tentative Tract Map No. 32614, motion seconded by Council Member England.

Council Member Marchand expressed concerns about building more and more rooftops without some mechanism to include our state mandated Inclusionary Housing element. Council Member Marchand explained in great detail why he doesn't feel he can, in good conscious, move forward with this approval at this time.

There was further discussion on how much a development of this size would bring to the city in income, and Council Member England wanted to note that there is a mechanism out there for a community to pay for low income housing and that Cathedral City has had much success in this developing moderate and low income housing.

Council Member DeRosa said that the issue facing this Council this evening is the subdivision of this property and not Inclusionary Housing. She wanted to welcome Mr. Werner to the community, saying that World Development does a great job in building homes and we appreciate the opportunity to have him working in our community.

Council Member Marchand reiterated his feelings and comments about the Inclusionary Housing issue and the state mandates, and the fact that he feels this Inclusionary Housing will come back to Council in the future.

Motion on the floor, Mayor Stettler called for the vote, motion carried 3-1 **by Resolution No. 2004-92**, with Mr. Marchand voting in the negative..

5. Joint public hearing of the Redevelopment Agency and the City Council for the City of Cathedral City, for disposition of a single-family lot purchased with Tax Increment affordable housing set aside funds to assist with Via De Anza parkland lot acquisition.

There was a brief report by Warren Bradshaw, Housing Manager explaining that this was a piece of property the City was trying to acquire to assist with Via De Anza parkland, and rather than to go to eminent domain, they were able to negotiate with the owner for an exchange of this property for another lot in the city. Additionally the exchange property was worth additional funds, therefore the owner has negotiated to pay a value differential of \$17,000.

Mayor Stettler opened the floor to Public Comments.

Shilo Heerling – Cathedral City. Mr. Heerling expressed positive comments about the City being able to avoid eminent domain.

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

Council Member Marchand moved approval to adopt City Council **Resolution No. 2004-93 and Resolution No. R-387**, motion seconded by Council Member England, **motion carried 4-0**.

### **LEGISLATIVE ACTIONS**

Before addressing Item 6. Council Member DeRosa requested that they consider Items 6 thru 9 as one item, Deputy City Attorney Green said that this was acceptable if the Council wished to do so. Council Member DeRosa moved to take Items 6 thru 9 as one vote, motion seconded by Council Member Marchand, motion carried with 4-0.

6. Approval to award a contract with Yeager Skanska, Inc., to construct the 35<sup>th</sup> Avenue Assessment District Sewer and Street Improvements Project **by Minute Order #3768**.
7. Authorization to execute a professional services agreement with Tri-State Land Surveyors and Civil Engineering, Inc., to provide Construction and Surveying Services for the 35<sup>th</sup> Avenue Assessment Improvement Project **by Minute Order # 3769**.
8. Authorization to execute a professional services agreement with James R. Peters Construction Management to provide construction management services for the 35<sup>th</sup> Avenue Assessment District Sewer and Street Improvement Project **by Minute Order # 3770**.
9. Authorization to execute a professional services agreement with Landmark Consultants, Inc., to provide materials testing services for the 35<sup>th</sup> Avenue



Assessment District Sewer and Street Improvement Project **by Minute Order # 3771.**

Bill Bayne, Interim City Engineer gave a brief overview of these items and in summary, these four items will cover the Construction team for the 35<sup>th</sup> Avenue Assessment Improvement Project.

Council Member Marchand acknowledged Chuck Vasquez for his efforts on the 35<sup>th</sup> Avenue Assessment District, and also commended the citizens of the 35<sup>th</sup> Avenue Neighborhood.

Mayor Stettler opened the floor to Public Comments.

Chuck Vasquez – Cathedral City. “We want to thank the staff who worked so hard to hard on this project: Julie Baumer and Bill Bane, and the rest of staff.” Also “I want to thank Jim Peters who will have an office on sight, also Chris Schultz”.

Seeing no one else wishing to speak, Mayor Stettler closed Public Comments.

Council Member Marchand moved approval of Items 6 thru 9, motion seconded by Council Member England, **motion carried 4-0.**

10. Amendment of a consultant services agreement with Rosenow Spevacek Group, Inc., for real estate economic services, on an as-needed basis, adding an amount not to exceed \$45,000 for a total not to exceed \$90,000

Keith Scott, Redevelopment Project Manager gave a brief report.

Mayor Stettler opened the floor to Public Comments.

Janet Malakowsky – Cathedral City. Ms. Malakowsky asked, “What is this real estate economic services? Mr. Scott explained that there were certain real estate services that needed to be used to analyze transactions that the Agency is considering, so that there is no gift of public funds.

Seeing no one else wishing to speak Mayor Stettler closed Public Comments.

Council Member Marchand moved approval, motion seconded by Council Member England, **motion carried 4-0**

11. Authorization to purchase an additional BMW motorcycle for the Police Department.

Chief Henry gave a report about the current motorcycle, a BMW which has proven to be a superior motorcycle for traffic enforcement. This motorcycle, purchased in November 2003 with Federal Law Enforcement Block Grant Funds. The entire purchase of the new motorcycle will come from grant funds and generous donations from the Community, the final \$9,000.00 was donated by Mr.

Rick Sobey, G.M. of Cathedral City's Import Warehouse of the Desert. Chief Henry that there is one more fundraiser for funds for motorcycles at the Barracks on October 10<sup>th</sup>. There was discussion about buying American made cycles at the November 2003 meeting, however, Council Member England advised that Harley Davidson does make Police cycles, but they cost more and have to be special ordered. Mr. England went on to explain that the BMW has a better ride and safety features. Anti-lock brakes, and at aggressive speeds the BMW's are very safe. No Public funds are being spent for this additional bike.

Mayor Stettler opened the floor to Public Comments.

Janet Malakowsky – Cathedral City. Ms. Malakowsky wanted to know where we were going to purchase this motorcycle, and Chief Henry replied "where we purchased the first one".

Seeking no one else wishing to speak, Mayor Stettler closed Public Comments.

Council Member England moved approval of this authorization to purchase, motion seconded by Council Member Marchand, **motion carried 4-0 by Minute Order # 3773.**

#### **COUNCIL REPORTS ON CITIZEN INQUIRES AND CONCERNS:**

City Manager Don Bradley informed the Council that the Honeywell Contract approved at the September 8<sup>th</sup>, 2004 Council Meeting was nearly finalized. Mr. Bradley asked the Council to confirm that it had, at the September 8, 2004 meeting, authorized staff to enter into a financing arrangement on terms satisfactory to the City Manager and the City Attorney. Mayor Stettler asked if any Council Members differed from that view, and in the absence of objection from the Council, informed Mr. Bradley that the Council's prior direction had been clear that staff was so authorized.

Council Member Marchand spoke about the Mosquito and Vector Control and the West Nile Virus. He advised that during the coming weeks there will be another outreach program, and we are coming to the end of the mosquito problem. Remember, long sleeves and trousers during this time.

Council Member DeRosa advised that the COPS are working to see that cars are moved so street sweeping can be accomplished. She also thanked Chuck Vasquez for his efforts with Plumley Road. She wished luck to Jose Corona of the Desert Sun who is leaving the area for Portland, Oregon.

Council Member England wanted to have the 211 Hotline Information Services put on the Council Agenda for discussion. 211 is proposed as a Social Service Hot Line and an alternate to usage of 911 for non-emergencies.

**ADJOURNMENT**

Mayor Stettler called for motion to adjourn, Council Member Marchand requested that we adjourn in memory of Daniel Ray Kelley, born January 18, 1971, deceased September 14, 2004.

Meeting adjourned at 8:10 p.m.

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Pat Hammers, City Clerk